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Docket No.: 60188-413

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

| | | |
|------------------------|---|------------------------------------|
| In re Application of | : | RESPONSE UNDER 37 CFR 1.116 |
| | : | <u>EXPEDITED PROCEDURE</u> |
| Gaku SUGAHARA, et al. | : | Customer Number: 20277 |
| Serial No.: 09/890,095 | : | Confirmation Number: 6059 |
| Filed: July 27, 2001 | : | Group Art Unit: 2828 |
| | : | Examiner: Jeffrey N. ZAHN |

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For: SEMICONDUCTOR LASER DEVICE, METHOD FOR FABRICATING THE
SAME, AND OPTICAL DISK APPARATUS

AMENDMENT

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Commissioner for Patents
P.O. Box 1450
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Sir:

In response to the Office Action dated September 2, 2003, having a shortened statutory period for response set to expire December 2, 2003, please amend the above-identified application as follows.

Applicants note that the Examiner has not yet indicated that he has considered and made of record U.S. Patent No. 5,372,874 to Dickey et al., which was cited in the Information Disclosure Statement ("IDS") filed on February 25, 2002. A first and second initialed copy of the IDS was provided in the Office Action dated February 14, 2003 and the outstanding Office Action, respectively, but neither has the Examiner's initials for Dickey et al.. It is respectfully requested that a copy of the IDS with Dickey et al. being initialed be sent to Applicants in the next Office Action.

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FROM:

Attorney: Ramyar Farid, Esq. Direct Phone: 202-756-8146
Attorney's E-Mail: rfarid@mwe.com
Secretary: Mary McZorn Direct Phone: 202-756-8663
Client/Matter: 60188-413 Date: December 2, 2003 Time Sent: _____
Number of pages including this page: 13

TO:

Name: Examiner Jeffrey Zahn Facsimile No. 703-872-9306
United States Patent and Trademark
Office
Company: GAU: 2828 Contact No. 703-305-3443

RE: **OFFICIAL AMENDMENT IN RESPONSE TO SEPTEMBER 2, 2003 OFFICE ACTION**
SERIAL NO.: 09/890,095

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W389001051 FAXH1R.001
WDC99 848941-1.060188.0413

| | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-----------------------|
| <p align="center">REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL</p> <p><small>Subsection (b) of 35 U.S.C. § 132, effective on May 28, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See the American Inventors Protection Act of 1995 (AIPA).</small></p> | Application Number | 09/890,095 |
| | Filing Date | July 27, 2001 |
| | First Named Inventor | Gaku SUGAHARA, et al. |
| | Group Art Unit | 2828 |
| | Examiner Name | Jeffrey N. ZAHN |
| | Attorney/Agent Number | 60188-413 |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/28) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14885 (Mar. 20, 2000), 1239 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**

a. ☐ Previously submitted

i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

iii. ☐ Other _____

b. ☒ Enclosed

i. ☒ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☐ Other _____

2. **Miscellaneous**

a. ☐ Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months (Period of suspension shall not exceed 3 months, Fee under 37 C.F.R. § 1.17(f) required)

b. ☐ Other _____

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 500417.

i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) \$770.00

ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)

iii. ☐ Other (additional claims, etc.)

b. ☐ Check in the amount of \$____ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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Ramyar Farid
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| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED | | | |
|-----------------------------------------------------|--------------------|-----------------------------------|------------------|
| Name (Print/Type) | Ramyar Farid | Registration No. (Attorney/Agent) | 48,692 |
| Signature | <u>[Signature]</u> | Date | December 2, 2003 |

| CERTIFICATE OF MAILING OR TRANSMISSION | |
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| I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Parents, Box RCE, Washington, D.C. 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on: | |
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